



## PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

**Agency:** Office of the Insurance Commissioner

**Subject of possible rule making:** Health benefit plan mental health parity requirements

Insurance Commissioner Matter No. R 2012-29

**Statutes authorizing the agency to adopt rules on this subject:** RCW 48.02.060, 48.43.715, 48.44.050, and 48.46.200

**Reasons why rules on this subject may be needed and what they might accomplish:** The proposed rules will harmonize the Affordable Care Act (Pub. Law 111-148, as amended), the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (Pub. L. 110-343), and our state requirements relating to coverage of mental health and substance use disorder treatment and services, including behavioral health. Our current regulations address the standards for chemical dependency benefits, in chapter 284-53 WAC, and are limited to services for enrollees in an approved treatment program. The existing regulations do not address the broader mental health and substance abuse parity requirements established in federal law, nor general mental health parity requirements established in state law, and as applied by state and federal courts. The proposed rules will also add clarity for carriers in implementing the essential health benefits requirements, because mental health and substance abuse disorder treatments are one of the essential health benefits.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

The federal law is administered by the Substance Abuse and Mental Health Services Administration (SAMHSA), which is an operating division of the U.S. Department of Health and Human Services. The proposed rule making will reference the regulations and statute implementation by SAMHSA, and ensure that appropriate preemption standards are considered as part of the rule making.

**Process for developing new rule (check all that apply):**

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) Submit written comments by December 20, 2012

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Send comments to: Meg L. Jones, P.O. Box 40258, Olympia WA 98504-0258

[rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov)

Fax: 360-586-3109

Phone: 360-725-7170

**DATE**

November 7, 2012

**NAME (TYPE OR PRINT)**

Mike Kreidler

**SIGNATURE**

**TITLE**

Insurance Commissioner

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**DATE: November 07, 2012**

**TIME: 7:55 AM**

**WSR 12-22-070**